

FILED IN CHAMBERS  
THOMAS W. THRASH JR.  
U. S. D. C. Atlanta

MAR 4 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAMES N. HATTEN, Clerk  
By *[Signature]* Deputy Clerk

CARLOS DEWAYNE DENNARD,  
Plaintiff,

v.

UNKNOWN DEFENDANT,  
Defendant.

CIVIL ACTION NO.  
1:08-CV-0652-TWT

**ORDER AND OPINION**

Plaintiff, Carlos DeWayne Dennard, currently confined at the Dooly State Prison in Unadilla, Georgia, has submitted a letter that has been docketed as a 42 U.S.C. § 1983 complaint. [Doc. 1]. In his letter, Plaintiff appears to complain about the validity of his current conviction and sentence.

State prisoners who seek to challenge the conditions of their prison life generally proceed pursuant to § 1983. See Nelson v. Campbell, 541 U.S. 637, 643 (2004); Preiser v. Rodriguez, 411 U.S. 475, 499 (1973). In contrast, a habeas corpus proceeding generally “attacks the fact or duration of a prisoner’s confinement and seeks the remedy of immediate release or a shortened period of confinement.” Preiser, 411 U.S. at 489; see also Nelson, 541 U.S. at 643 (noting that claims challenging the fact or duration of a term of confinement “fall within the ‘core’ of habeas corpus”).

This Court finds that Plaintiff does not seek to file a formal civil action at this time. He neither names a respondent nor provides this Court with a financial affidavit

seeking leave to proceed in forma pauperis. Rather than seek relief in a formal habeas corpus action, Plaintiff generally seeks legal advice from this Court with regard to his current confinement. This Court, however, has no authority to provide such legal advice to Plaintiff.

Accordingly, **IT IS HEREBY ORDERED** that the instant action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff is **GRANTED** leave to proceed in forma pauperis for the sole purpose of dismissal.

The Clerk of this Court is **DIRECTED** to **FORWARD** to Plaintiff a 28 U.S.C. § 2254 habeas corpus form and a financial affidavit. Should Plaintiff seek relief pursuant to habeas corpus, he should complete the form and submit it to the appropriate federal court, along with a completed financial affidavit in the event that he seeks in forma pauperis status.

**IT IS SO ORDERED**, this 3 day of March, 2008.

  
THOMAS W. THRASH, JR.  
UNITED STATES DISTRICT JUDGE